

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES ERNEST DICKERSON,

Plaintiff,

v.

DR. DENNIS CONNOR, *et al.*,

Defendants.

Case No. C06-5417 FDB/KLS

ORDER TO SHOW CAUSE FOR
FAILURE TO STATE A CLAIM
AND FOR FAILURE TO
EXHAUST ADMINISTRATIVE
REMEDIES

This civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Plaintiff has been granted leave to proceed *in forma pauperis*. Before the court for review is plaintiff's proposed civil rights complaint in which plaintiff purports to sue Drs. Dennis Connor, Loretta Dunn, Eisenstadt and Langeries pursuant to 42 U.S.C. § 1983, for alleged malpractice committed during the years of 1988 through 1992. The court finds that the plaintiff must show cause why his complaint should not be dismissed as time barred. The Civil Rights Act, 42 U.S.C. § 1983, contains no statute of limitations and the federal courts use the applicable statute of limitations from the state in which they sit. In Washington the statute of limitations for filing a civil rights action is three years. Rose v. Rinaldi, 654 F.2d 546 (1981).

In addition, plaintiff states that a grievance process is ongoing, but not complete. Accordingly, the the record reflects that plaintiff filed this lawsuit prematurely and has not yet fully exhausted his administrative remedies. Because plaintiff has apparently failed to exhaust his available administrative remedies, plaintiff must show cause why this case should not be dismissed.

Accordingly, it is ORDERED:

1. Plaintiff shall show cause why this complaint should not be dismissed. A response is due by **October 6, 2006**. If plaintiff fails to file a response or the response shows the plaintiff cannot go forward

1 the court will enter a report and recommendation that the complaint be dismissed.

2 2. The Court Clerk is directed to send a copy of this Order to plaintiff.

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4 DATED this 6th day of September, 2006.

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8 Karen L. Strombom
9 United States Magistrate Judge
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